

Remarks

The final Office Action dated April 10, 2008 lists the following rejections: claims 1-4, 8-18, and 22-56 stand rejected under 35 U.S.C. § 103(a) over the Cote reference (U.S. Patent Pub. 2004/0234250) in view of the Binford, Jr. reference (U.S. Patent No. 6,285,405); and claims 5-7 and 19-21 stand rejected under 35 U.S.C. § 103(a) over the Cote reference in view of the Binford, Jr. reference and further in view of the Takehiko reference (U.S. Patent No. 6,741,795).

Applicant respectfully traverses the § 103(a) rejections of claims 1-28 (each of which is based upon Cote in view of Binford) because the cited portions of the Binford reference do not correspond to the claimed invention which includes, for example, aspects directed to a user manually reducing the time rate of displaying one of the first and second signals while the signals are displayed on a display in order to synchronize the signals. The Examiner appears to be confused as to the cited teaching of the Binford reference as the Examiner cites to two different methods of synchronizing audio and video data taught by the Binford reference, neither of which allow a user to manually adjust the synchronization of the audio and video data while it is being displayed on a display. The following discussion particularly addresses the lack of correspondence between Binford's methods and the claimed invention.

The Examiner acknowledges that the Cote reference does not teach a user manually reducing the time rate of displaying one of the signals. In an attempt to address this deficiency, the Examiner cites to two different methods of synchronizing audio and video data taught by the Binford reference. *See, e.g.*, Col. 4:16-19 and 26-29. The first method discussed by Binford is in relation to Binford's admitted prior art, which allows a user to set delay values for an audio signal using a system configuration property sheet. *See, e.g.*, Col. 4:16-19. However, the Binford reference teaches that the delay values are constant (or static) and the user cannot adjust the set delay values during a video conference. *See, e.g.*, Col. 1:50-67. Thus, Binford's user cannot adjust the delay values of the signals while the audio and video data streams are being displayed on the display (*i.e.*, the user cannot manually adjust the time rate of displaying one of the signals while the signals are being displayed as in the claimed invention). The second method taught by the Binford reference is directed to dynamic synchronization of audio and video data.

See, e.g., Col. 4:26-29. However, the Binford reference teaches that the dynamic synchronization is done automatically without input from the user (*i.e.*, the user does not manually adjust the delay values of the signals as in the claimed invention). *See, e.g.*, Col. 5:44 to Col. 6:4. In view of the above, the cited portions of the Binford reference do not teach that a user manually adjusts the time rate of displaying one of the signals while the signals are being displayed as in the claimed invention. Accordingly, the § 103(a) rejections of claims 1-28 are improper and Applicant requests that they be withdrawn.

Applicant respectfully traverses the § 103(a) rejection of claims 29-56 because the cited portions of the Cote reference do not correspond to the claimed invention which includes, for example, aspects directed to the first signal having a first plurality of time stamps originating from the source and the second signal having a second plurality of time stamps originating from the source. The claimed invention requires that these pluralities of time stamps originate from the source. Cote's related time codes (*i.e.*, the Examiner's alleged pluralities of time stamps) are generated by Cote's speech recognition module 310. *See, e.g.*, Figure 16 and paragraph 0157. Thus, Cote's related time codes do not originate from Cote's audio/video source (*i.e.*, the Examiner's alleged source) as required by the claimed invention. Applicant notes that Cote's audio source signal that is provided from audio/video source 300 does not have any related time codes. Accordingly, Cote's audio source signal does not correspond to either of the first and second signals of the claimed invention. Moreover, the Cote reference does not teach that the video source signal 300 (*i.e.*, the Examiner's alleged first signal) has any related time codes. Thus, Cote's video source signal does not correspond to either of the first and second signals of the claimed invention. Applicant submits that the addition of the Binford reference fails to overcome the above discussed deficiencies of the Cote reference. Accordingly, the § 103(a) rejection of claims 29-56 is improper and Applicant requests that it be withdrawn.

Applicant further traverses the § 103(a) rejections of claims 1-56 (each of which is based upon Cote in view of Binford) because the Examiner has not provided sufficient detail regarding the proposed combination of the Cote and Binford references to enable Applicant to determine how the Examiner is proposing to modify the Cote reference. Applicant previously requested that the Examiner provide clarification regarding how the

Examiner is proposing to combine the seemingly unrelated teachings of these references (see page 14 of the Amendment and Response dated January 11, 2008) to which the Examiner failed to respond as required. See, e.g., M.P.E.P. § 707.07(f) (“Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it.”). Applicant submits that without such clarification the rejections of claims 1-56 are improper and must be withdrawn. More specifically, the cited portions of the Binford reference are directed toward the synchronization of audio and video signals that require different amounts of time to code/decode and transmit over a network 114 between various endpoints. See, e.g., Col. 2:1-11 and Col. 4:40-50. Binford measures the actual video encoding and video decoding delay and introduces the measured delay in the audio encoding and audio decoding routines. See, e.g., Col. 5:44-49. In contrast, the cited portions of Cote are directed to Karaoke generating and these portions of Cote do not mention any encoding/decoding of audio and video signals or any data transmission over a network between endpoints as in Binford. The Examiner has not provided any detail regarding how these seemingly unrelated teachings of the Cote and Binford references are to be combined and the Examiner has also failed to respond to Applicant's request for clarification. Without such an explanation, Applicant is unable to determine the propriety of the proposed combination.

Moreover, the Examiner fails to provide adequate motivation for the proposed combination. Applicant submits that the Examiner's asserted basis to combine the references is contrary to the requirements of § 103 and relevant law. In this instance, the Examiner states that it would be obvious to the skilled artisan “to add Binford's delay value setting to Cote's system in order to allow the user to adjust to a target decoder time delay value”. However, Cote's system does not have any decoder to adjust the time delay value of. See, e.g., Figure 16. As discussed above, the cited portions of the Cote reference are directed to Karaoke generating and these portions of Cote do not mention any encoding/decoding of audio and video signals. As such, the Examiner has not presented any reason why the skilled artisan would combine teachings of the Binford reference relating to encoding/decoding of audio and video signals and data transmission over a network with Cote's Karaoke system.

In view of the above, the § 103(a) rejections of claims 1-56 are improper and Applicant requests that they be withdrawn.

Applicant further traverses the § 103(a) rejection of claims 2 and 16 because the cited portions of the Binford reference are unrelated to the claimed invention which includes aspects directed to a user manually directing a delay compensation circuit to reduce the time rate of displaying one of the signals. In the cited portions of Binford (*i.e.*, video codec 204 and audio codec 212 of Figure 2, and Col. 5:44-49), which teach automatically introducing the delay measured in video codec 204 into the audio encoding/decoding routines in audio codec 212, there is no manual involvement by the user. *See, e.g.*, Col. 2:1-11 and Col. 5:44-49. Accordingly, the § 103(a) rejection of claims 2 and 16 is improper and Applicant requests that it be withdrawn.

Applicant further traverses the § 103(a) rejection of claims 4 and 18 because the cited portions of the Binford reference do not correspond to aspects of the claimed invention directed to the manually reducing the time rate of display of one of the signals not involving introducing a time delay gap. The cited portions of Binford discuss the first two steps (300 and 302) involved in measuring the video encoding delay. *See, e.g.*, Figure 3 and Col. 6:5-10. Applicant submits that these portions are unrelated to the aspects claimed in claims 4 and 18. The Examiner in the final Office Action continues to cite to the same unrelated portions of Binford without providing any further clarification regarding the relevance of these portions to claims 4 and 18. Thus, the Examiner fails to provide correspondence between the cited references and claims 4 and 18. Accordingly, the § 103(a) rejection of claims 4 and 18 is improper and Applicant requests that it be withdrawn.

Applicant further traverses the § 103(a) rejection of claims 14 and 28 because the cited portions of the Cote reference do not correspond to aspects of the claimed invention directed to receiving the first and second signals as a multiplexed signal. The cited portions of the Cote reference teach that the video signal and the audio signal are received separately by recognized voice source formatting unit 312. *See, e.g.*, Figure 16 and paragraph 0157. Thus, Cote's video and audio signals are not multiplexed together since the video and audio signals are received as separate signals. The Examiner erroneously bases the rejection on Cote's teaching of receiving the video and audio


source signals from the same audio/video source 300; however, simply because two signals are from the same source does not mean that they are multiplexed together. The Cote reference clearly shows in Figure 16 that the video and audio signals are received separately by recognized voice source formatting unit 312 (*i.e.*, the signals are not multiplexed together). As such, the Cote reference does not teach receiving a multiplexed signal as in the claimed invention. Accordingly, the § 103(a) rejection of claims 14 and 28 is improper and Applicant requests that it be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, John Rehberg, of NXP Corporation at (408) 474-9061 (or the undersigned).

Please direct all correspondence to:

Corporate Patent Counsel
NXP Intellectual Property & Standards
1109 McKay Drive; Mail Stop SJ41
San Jose, CA 95131

CUSTOMER NO. 65913

By: 
Name: Robert J. Crawford
Reg. No.: 32,122
651-686-6633
(NXPS.363PA)